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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,413	01/26/2004	Steven J. Blad	6331.00020	2276

29747 7590 10/25/2005

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EXAMINER

COLLINS, DOLORES R

ART UNIT PAPER NUMBER

3711

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/765,413

Applicant(s)

BLAD ET AL.

Examiner

Dolores R. Collins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-18 and 20 is/are rejected.  
7) ☒ Claim(s) 19 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

Examiner acknowledges response by applicant's representative received 8/1/05. Examiner further acknowledges the corrections/clarifications made to address the issues of the first action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18 & 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sines et al. (483).

Sines disclose Playing Card Shuffling Machines and Methods.

Sines clearly teach the limitations of these claims.

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Regarding claims 1, 4-6, 10-14 & 16-18

Sines teaches forming an unshuffled stack of playing cards which are to be shuffled (see claim 43), a control system with sensors to monitor the number of cards (col. 13, lines 3-15), aligning the cards (col. 14, lines 41-52) guiding and discharging cards (col. 14, lines 53-57) and sensing the card stack height (an indication of the remaining cards in the unit) (see col. 14, lines 59 - 67).

Regarding claim 2

Sines teach a localized (single) aligning operation against the cards in the feeder.

Regarding claim 3

Sines teach the channeling and guiding cards (col. 14, lines 53-58).

Regarding claims 7-8

Sines teach aligning/calibrating of the solenoids and operation thereof (col. 13, lines 38-51).

Regarding claims 9, 15 & 20

Sines teach the use of rollers (260), which apply force to the cards compressing them and preventing multiple discharge (see col. 9, lines 60 - 67 and col.10, lines 1-14).

***Allowable Subject Matter***

Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 8/1/05 have been fully considered but they are not persuasive. Applicant argues that although Sines discloses an automatic card shuffler utilizing random ejection technology, Sines fail to teach limitations of claim 1: determining the positional height of a single card within the stack of playing cards, aligning the single card and the solenoid and firing the solenoid to eject the single card. Examiner disagrees with this position since Sines, in col. 14, teaches that his shuffler positions its infeed card holder and supported infeed stack array into various discharge card positions (see lines 15-19); he teaches that his shuffler performs a de-doubling function which prevents the discharge of more than one cards (see lines 32-40) and he teaches aligning, channeling and guiding (see lines 42-58). These are the limitation of claim 1. Claims 2-9 depend from claim 1, therefore claims 1-9 remain rejected.

Applicant argues that regarding claim 10, Sines fails to teach a method of calculating and accurately accounting for misfires. Examiner notes that the limitations of claim 10 requires the basic functions of a shuffler, i.e., placing cards in an input

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medium, detecting cards in that medium, positioning cards to facilitate shuffling and sensing cards that remain in the stack. This method is known to be used by card shuffling machines, including Sines where such activity is controlled by the control system (370). Claims 11-15 depend from claim 10, therefore claims 10-15 remain rejected. Examiner feel that Sines teaches the limitations of claims 16-17 in his process of 'localized aligning (col. 14, lines 42-52). Sines in his de-doubling function monitors/controls the speed of extraction via rollers (see col. 14, lines 32-41).

The rejection of claims 1-18 & 20 is maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

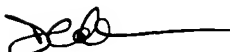
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is **(571) 272-4421**. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Eugene Kim** can be reached on **(571) 272-4463**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

  
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10/20/05

  
EUGENE KIM  
PRIMARY EXAMINER